

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KIEL J. STURM,)	Case No.: 11-CV-00236-LHK
)	
Plaintiff,)	ORDER GRANTING FREE PACER
v.)	ACCESS; DENYING MOTION FOR
)	RECONSIDERATION
THE WORLD, et al.,)	
)	
Defendants.)	
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Plaintiff Kiel Sturm has filed motions requesting free PACER access and reconsideration of the Court’s order dismissing his Complaint with leave to amend. For the reasons stated below, the Court grants Plaintiff an exemption from fees for PACER/ECF usage and denies Plaintiff’s motion for reconsideration.

I. Motion for Reconsideration

On January 14, 2011, Plaintiff Kiel Sturm filed a Complaint for Alien Tort against the World, the State of California, and 7 billion Doe Defendants. Plaintiff also filed an ex parte motion for a temporary protective order and an application to proceed *in forma pauperis*. In its order of January 21, 2011, the Court denied Plaintiff’s motion for a temporary protective order and granted his application to proceed *in former pauperis*. The Court then screened Plaintiff’s Complaint as required by the *in forma pauperis* statute, 28 U.S.C. § 1915(e)(2), and dismissed Plaintiff’s Complaint on grounds that it contained frivolous allegations and failed to state a claim on which relief may be granted. The Court granted Plaintiff leave to file an amended complaint.

Plaintiff now moves for reconsideration of the Court's order dismissing his Complaint. Ex Parte Mot. for Reconsideration of Order Dismissing Compl., ECF No. 15. Under the Local Rules of this Court, a party may not move for reconsideration without first seeking leave of the Court. Civ. L.R. 7-9(a). The Court thus construes Plaintiff's request as a motion for leave to file a motion for reconsideration. Pursuant to Local Rule 7-9(b), a party moving for leave to file a motion for reconsideration must show: 1) a material difference in law or fact of which the movant was unaware at the time of the interlocutory order at issue, despite exercising reasonable diligence; 2) the emergence of new material facts or a change of law occurring after the order; or 3) a manifest failure of the Court to consider material facts or dispositive legal arguments which were presented to the Court. In his motion for reconsideration, Plaintiff notes that he did not move for summary judgment, and thus dismissing the Complaint may have been an oversight. However, as the Court explained in its prior order, 28 U.S.C. § 1915(e)(2) requires a court to screen lawsuits filed *in forma pauperis* and to dismiss those suits under certain conditions. *See Lopez v. Smith*, 203 F.3d 1122, 1126-27 & n.7 (9th Cir. 2000). The Court must dismiss the case if it determines that the action is frivolous or the complaint fails to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2). The Court thus properly dismissed Plaintiff's Complaint upon determining that it failed to state a viable claim for relief and contained frivolous allegations. Plaintiff does not raise any new material facts or law that would affect the Court's determination. Accordingly, the Court DENIES Plaintiff's motion for reconsideration. However, the Court previously granted Plaintiff 30 days to file an amended complaint, and Plaintiff may still do so. Pursuant to the Court's prior order, if Plaintiff wishes to proceed with this action, he must file an amended complaint by February 21, 2011.

II. Motion for Free PACER Access

Plaintiff also requests that the Court grant him free access to PACER. The Court has already granted Plaintiff's application to proceed *in forma pauperis*. The court finds that Plaintiff falls within the class of users eligible for a fee exemption listed in the Electronic Public Access fee schedule adopted by the Judicial Conference of the United States Courts and has demonstrated that a fee exemption is necessary to avoid unreasonable burdens in litigating this case. The Court

1 therefore GRANTS Plaintiff an exemption from fees for PACER and/or ECF usage. This
2 exemption covers only fees associated with filing and accessing the electronic documents in this
3 action. Plaintiff shall not be exempt from the payment of fees incurred in connection with other
4 uses of the ECF or PACER system in this court.

5 Plaintiff is directed to register for PACER at www.pacer.gov. In order to file documents in
6 this action, Plaintiff must also register for ECF at
7 <https://ecf.cand.uscourts.gov/cand/newreg/index.html>. In using PACER and ECF, Plaintiff must
8 comply with the Federal Rules of Civil Procedure and all general orders and local rules pertaining
9 to electronic filing, including General Order 45. After registering for ECF and PACER, Plaintiff
10 must file a notice of ECF registration. Thereafter, the Court will presume that Plaintiff receives all
11 Court filings and other notifications when they are transmitted electronically, and the Court will no
12 longer mail filings and notifications to Plaintiff's address.

13 III. Conclusion

14 For the reasons discussed above, the Court DENIES Plaintiff's motion for reconsideration
15 and GRANTS Plaintiff's motion for free PACER access. Plaintiff is reminded that pursuant to the
16 Court's prior order, **the deadline to file an amended complaint is February 21, 2011**. If Plaintiff
17 does not file an amended complaint, or submit a well-justified request for an extension of time, by
18 February 21, 2011, the Court will dismiss this case with prejudice.

19 **IT IS SO ORDERED.**

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21 Dated: February 7, 2011

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24 LUCY H. KOH
25 United States District Judge
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